IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 7715 of 2007(R)

PETITIONER:

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1. ABDUL HAMEED, 46 YEARS,
   S/O.MOIDY HAJI, KACHERIPARAMBIL, UNNIKULAM,
   KOYILANDY.

2. SULAIKHA,
   WIFE OF ABDUL HAMEED, KACHARIPARAMBIL,
   UNNIKULAM, KOYILANDY.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE KERALA STATE FINANCIAL ENTERPRISES
   LTD., REPRESENTED BY ITS MANAGING DIRECTOR,
   BHADRATHA, MUSEUM ROAD, THRISSUR-20.

2. THE MANAGER,
   THE KERALA STATE FIANCIALENTERPRISES LTD.,
   BHADRATHA, MUSEUM ROAD, THRISSUR-20.

3. THE MANAGER,
   K.S.F.E. LTD., BALUSSERY.

4. THE SPECIAL DEPUTY TAHSILDAR (R.R.),
   K.S.F.E.LTD., KALLAI ROAD, KOZHIKODE.

BY ADV. SRI.M.L.SAJEEVAN, SC, KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.7715 of 2007

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Dated this the 25th day of May, 2007.

JUDGMENT

The petitioners admittedly are in arrears payable to KSFE in three kuri accounts. According to the petitioners, the kuries will terminate only in April 2008. Since petitioners have committed default for several subscriptions, KSFE has demanded the entire arrears including future subscriptions against which W.P. is filed. Counsel for the petitioners submitted that under interim orders petitioners have paid Rs.40,000/- towards arrears in two instalments. In the circumstances and in view of the undertaking by petitioners to clear subscription arrears in ten equal monthly instalments along with future subscriptions, W.P. is disposed of granting facility to the petitioner to pay balance arrears falling due upto 31st of this month in ten equal monthly instalments along with subscription payable from June 2007 onwards. If petitioners commit single default in payment of any of the instalments of arrears or regular subscriptions, the facility granted under this judgment will stand automatically cancelled and respondents will be free to proceed to recover entire arrears and future subscription. Recovery proceedings will be kept in abeyance for payment

as above and on first default, recovery can be continued.

Issue photocopy of this judgment today itself.

C.N.RAMACHANDRAN NAIR
Judge

pms